

I hereby certify that this paper is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 814072415 US on the date shown below in a box addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: April 24, 2009

Signature:

(Diane Blevins)

Patent

Docket No. 532212000624



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Thomas L. CANTOR et al.

Serial No.: 10/760,091

Filing Date: January 16, 2004

For: METHODS FOR DIFFERENTIATING
AND MONITORING PARATHYROID
AND BONE STATUS RELATED
DISEASES

Examiner: C. Cheu

Group Art Unit: 1641

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER MPEP § 724.02

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to the duty of disclosure in 37 C.F.R. § 1.56, Applicants hereby submit under MPEP § 724.02 the 33 documents listed on the attached Form PTO/SB/08a/b. The attention of the Patent and Trademark Office is hereby directed to these documents because they are **SUBJECT TO PROTECTIVE ORDER**. It is respectfully requested that the Examiner consider the information during the prosecution of this application.

The document numbers 1-33 listed on the attached Form PTO/SB/08a/b are **SUBJECT TO PROTECTIVE ORDER** and should only be viewed by the Examiner or other authorized Patent and Trademark Office Employees. The documents have not otherwise been made public. Pursuant to MPEP § 724.02, a copy of each document that is **SUBJECT TO PROTECTIVE**

sd-413137

04/28/2009 RHL:BRANT 00000004 031952 10760091
01 FC:1006 100.00 DA

EXHIBIT B

Serial No. 10/760,091

ORDER listed on the attached Form PTO/SB/08a/b is enclosed in a sealed, clearly labeled envelope. The documents are from *Scantibodies Laboratory, Inc. v. Immunotopics, Inc.*, currently pending in the U.S.D.C. for the Central District of California, Case No. CV04-08871 MRP (MANx). Scantibodies Laboratory, Inc. is the assignee of the present application.

Note that information designated by Immunotopics as "Confidential" or "Confidential-Attorneys' Eyes Only" has been redacted.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- ☐ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- ☒ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of ___ is enclosed.
 - ☒ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of ___ is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17) is attached to this submission.)

Applicants would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petition and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing 532212000624.

Dated: April 20, 2009

Respectfully submitted,

By 

Peng Chen

Registration No.: 43,543
MORRISON & FOERSTER LLP
12531 High Bluff Drive, Suite 100
San Diego, California 92130-2040
(858) 720-5117



ALTERNATIVE TO PTO/SB08A/B
(Based on PTO 01-08 version)

Substitute for form 1449/PTO			Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)			Application Number	10/760,091
			Filing Date	January 16, 2004
			First Named Inventor	Thomas L. CANTOR
			Art Unit	1641
			Examiner Name	C. Cheu
			Attorney Docket Number	532212000624
Sheet	1	of	3	

NON PATENT LITERATURE DOCUMENTS – SUBJECT TO PROTECTIVE ORDER				
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²	
	1.	Declaration of John W. Colford, M.D. in Opposition to Plaintiff's Motion for Partial Summary Judgment on Defendants' Counterclaim of Patent Invalidity Under 35 U.S.C. §§ 102 and 103, filed December 17, 2007		
	2.	Defendants' and Counterclaimants' Memorandum of Points and Authorities in Opposition to Plaintiff's Motion for Partial Summary Judgment on Defendants' Counterclaim of Patent Invalidity Under 35 U.S.C. §§ 102 and 103, filed December 17, 2007		
	3.	Declaration of Matthew A. Newboles in Opposition to Plaintiff's Motion for Partial Summary Judgment on Defendants' Counterclaim of Patent Invalidity Under 35 U.S.C. §§ 102 and 103, filed December 14, 2007		
	4.	Defendant and Counterclaimants Immutoptics, Inc.'s and Immutoptics International, LLC's Statement of Genuine Issues in Opposition to Plaintiff's Motion for Partial Summary Judgment on Defendants' Counterclaim of Patent Invalidity Under 35 U.S.C. §§ 102 and 103, filed December 14, 2007		
	5.	Confidential Declaration of Brian W. Kasell in Support of Plaintiff's Opposition to Defendant's Motion for Summary Judgment Based on Non-Infringement, filed December 18, 2007		
	6.	Defendants and Counterclaimants Immutoptics, Inc. and Immutoptics International, LLC's Objections to the Declaration of Brian W. Kasell, filed January 18, 2008		
	7.	Defendant's and Counterclaimant's Immutoptics, Inc. and Immutoptics International, LLC's Objections to the Declaration of Thomas L. Cantor, filed January 18, 2008		
	8.	[Proposed] Statement of Uncontroverted Facts and Conclusion of Law in Support of Defendants' and Counterclaimants' Motion for Summary Judgment For Failing to Disclose the Best Mode, filed January 18, 2008		
	9.	Immutoptics' Reply Memorandum of Points and Authorities in Support of its Motion for Summary Judgment for Failure to Disclose the Best Mode, filed January 18, 2008		
	10.	Supplemental Declaration of Matthew A. Newboles in Support of Defendants' and Counterclaimants' Reply for Motion for Summary Judgment of Patent Invalidity for Violation of Best Mode, filed January 18, 2008		
	11.	Immutoptics' Reply to Plaintiff's Statement of Genuine Issues of Material Fact in Support of its Opposition to Defendants' Motion for Summary Judgment for Failing to Disclose the Best Mode, filed January 18, 2008		
	12.	Immutoptics' Response to Plaintiff's Objections to the Declaration of Matthew A. Newboles in Support of Defendants' Motion for Summary Judgment of Patent Invalidity for Violation of Best Mode, filed January 18, 2008		
	13.	Statement of Uncontroverted Facts and Conclusions of Law in Support of Defendants' and Counterclaimants' Motion for Summary Judgment of Patent Invalidity for Lack of Enablement, filed January 18, 2008		
	14.	Immutoptics Reply Memorandum of Points and Authorities in Support of its Motion for Summary Judgment of Patent Invalidity for Lack of Enablement, filed January 18, 2008		
	15.	Supplemental Declaration of Matthew A. Newboles in Support of Defendants' and Counterclaimants' Reply for Motion for Summary Judgment of Patent Invalidity for Lack of Enablement, filed January 18, 2008		

Substitute for form 1449/PTO			Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)			Application Number	10/760,091
			Filing Date	January 16, 2004
			First Named Inventor	Thomas L. CANTOR
			Art Unit	1641
			Examiner Name	C. Cheu
			Attorney Docket Number	532212000624
Sheet	2	of	3	

16.	Immutopics' Reply to Plaintiff's Statement of Genuine Issues of Material Fact in Support of its Opposition to Defendants' Motion for Summary Judgment of Patent Invalidity for Lack of Enablement, filed January 18, 2008	
17.	Immutopics' Response to Plaintiff's Objections to the Declaration of Matthew A. Newboles in Support of Defendants' Motion for Summary Judgment of Patent Invalidity for Lack of Enablement, filed January 18, 2008	
18.	Declaration of Matthew A. Newboles in Support of Immutopics, Inc.'s Motion for Summary Judgment of Non-Infringement, filed November 12, 2007	
19.	[Proposed] Statement of Uncontroverted Facts and Conclusions of Law in Support of Defendants' Motion for Summary Judgment Based on Non-Infringement of the '566 Patent, filed November 12, 2007	
20.	Memorandum of Points and Authorities in Support of Plaintiff's Opposition to Defendants' Motion for Summary Judgment of Non-Infringement of the '566 Patent, filed December 18, 2007	
21.	Plaintiff's Statement of Genuine Issues of Material Fact in Support of its Opposition to Defendants' Motion for Summary Judgment Based on Non-Infringement of the '566 Patent, filed December 18, 2007	
22.	Immutopics Reply Memorandum of Points and Authorities in Support of its Motion for Summary Judgment of Non-Infringement of the '566 Patent, filed January 18, 2008	
23.	Supplemental Declaration of Matthew A. Newboles in Support of Reply for Defendants' Motion for Summary Judgment of Non-Infringement, filed January 18, 2008	
24.	Immutopics' Response to Plaintiff's Objections to the Declaration of Matthew A. Newboles in Support of Defendants' Motion for Summary Judgment of Non-Infringement of the '566 Patent, filed January 18, 2008	
25.	Immutopics' Reply to Plaintiff's Statement of Genuine Issues of Material Fact in Support of its Motion for Summary Judgment Based on Non-Infringement of the '566 Patent, filed January 18, 2008	
26.	[Proposed] Statement of Uncontroverted Facts and Conclusions of Law in Support of Defendants' and Counterclaimants' Motion for Summary Judgment of Patent Invalidity for Violation of On Sale Bar and Obviousness Over the Prior Art, filed November 13, 2007	
27.	Immutopics Reply Memorandum of Points and Authorities in Support of its Motion for Summary Judgment of Patent Invalidity for Violation of the On Sale Bar and Obviousness Over the Prior Art, filed January 18, 2008	
28.	Supplemental Declaration of Matthew A. Newboles in Support of Defendants' and Counterclaimants' Reply for Motion for Summary Judgment of Patent Invalidity for Violation of On Sale Bar and Obviousness Over the Prior Art, filed January 18, 2008	
29.	Immutopics' Reply to Plaintiff's Statement of Genuine Issues of Material Fact in Support of its Opposition to Defendants' Motion for Summary Judgment of Patent Invalidity for Violation of On Sale Bar and Obviousness Over the Prior Art, filed January 18, 2008	
30.	Immutopics' Response to Plaintiff's Objections to the Declaration of Matthew A. Newboles in Support of Defendants' Motion for Summary Judgment of Patent Invalidity for Violation of On Sale Bar and Obviousness Over the Prior Art, filed January 18, 2008	
31.	Memorandum of Points and Authorities in Support of Immutopics' Motion for Summary Judgment of Non-Infringement of the '566 Patent in View of the Court's Second Amended Claim Construction Order, dated March 6, 2009	
32.	Declaration of Matthew A. Newboles in Support of Immutopics' Motion for Summary Judgment	

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>		Complete If Known			
		Application Number	10/760,091		
		Filing Date	January 16, 2004		
		First Named Inventor	Thomas L. CANTOR		
		Art Unit	1641		
		Examiner Name	C. Cheu		
Sheet	3	of	3	Attorney Docket Number	532212000624

		Based on Non-Infringement of the '566 Patent in View of the Court's Second Amended Claim Construction Order, dated March 6, 2009	
	33.	Declaration of Jeffrey Lavigne in Support of Immutopics' Motion for Summary Judgment Based on Non-Infringement of the '566 Patent in View of the Court's Second Amended Claim Construction Order, dated March 6, 2009	

Examiner Signature		Date Considered	
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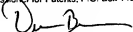
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

I hereby certify that this paper is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 814072415 US on the date shown below in a box addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: April 24, 2009

Signature:


(Diane Blevis)

Patent

Docket No. 532212000624

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Thomas L. CANTOR et al.

Serial No.: 10/760,091

Filing Date: January 16, 2004

For: METHODS FOR DIFFERENTIATING
AND MONITORING PARATHYROID
AND BONE STATUS RELATED
DISEASES

Examiner: C. Cheu

Group Art Unit: 1641

PETITION TO EXPUNGE INFORMATION
UNDER MPEP 724.06 AND 37 C.F.R. § 1.59

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Madam:

Pursuant to MPEP 724.06 and 37 C.F.R. § 1.59(b), Applicants hereby petition the Commissioner to have the 33 documents submitted in the above-identified application with the Supplemental Information Disclosure Statement filed under MPEP § 724.02 on April 23, 2009 expunged upon allowance, issue, or abandonment of this application.

Pursuant to MPEP § 724.05(a) and (b), Applicants believe expungement of the information is appropriate for document numbers 1-33 listed on the attached Form PTO/SB/08a/b because they are **SUBJECT TO PROTECTIVE ORDER**. The documents are from *Scantibodies Laboratory, Inc. v. Immutopics, Inc.*, currently pending in the U.S.D.C. for the Central District of California, Case No. CV04-08871 MRP (MANx). The information and documents have not otherwise been made public.

04/28/2009 RHEBRAHT 00000005 031952 10760091
01 FC:1463 209.00 DA

sd-413138

Applicants acknowledge that upon the grant of this petition and return of the documents that are **SUBJECT TO PROTECTIVE ORDER** (document numbers 1-33 on the attached Form PTO/SB/08a/b), Applicants will preserve the documents for the entire term of the patent in accordance with MPEP § 724.05 (c). Please return the documents to the undersigned upon allowance, issue, or abandonment of this application.


Pursuant to MPEP § 725.05 (d), Applicants hereby state that this petition is being submitted by, or on the behalf of, the party in interest who originally submitted the information.

Pursuant to MPEP § 725.05 (e), the Commissioner is hereby authorized to charge the required fee under 37 C.F.R. § 1.17(g) for a petition under 37 C.F.R. § 1.59(b) to Deposit Account No. 03-1952 referencing docket no. 532212000624. Fee Transmittal (form PTO/SB/17p) is attached in duplicate.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petition and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 532212000624.

Dated: April 27, 2009

Respectfully submitted,

By 
Peng Chen
Registration No.: 43,543
MORRISON & FOERSTER LLP
12531 High Bluff Drive, Suite 100
San Diego, California 92130-2040
(858)720-5117



04-27-09

18W
4

PTO/SB/21 (03-09)

Approved for use through 04/30/2009. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/760,091
	Filing Date	January 16, 2004
	First Named Inventor	Thomas L. CANTOR
	Art Unit	1641
	Examiner Name	C. Cheu
	Attorney Docket Number	532212000624
Total Number of Pages in This Submission		14

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form (1 page) <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement – Supplemental (3 pages) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition – Petition to Expunge Information (2 pages) <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Petition Fee Transmittal (1 page) Form PTO/SB/08A/B (3 pages, plus duplicate) 33 References Return Receipt Postcard
Remarks		
CUSTOMER NO. 25225		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Form Name	MORRISON & FOERSTER LLP		
Signature			
Printed name	Peng Chen		
Date	April 27, 2009	Reg. No.	43,543

I hereby certify that this paper is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 814072415 US, on the date shown below in a box addressed to:
MS Amendment, Commissioner for Patents, P.O. Box 1456, Alexandria, VA 22313-1450.

Dated: April 24, 2009

Signature:

(Diane Blevins)



PTO/BB/17 (10-08)

Approved for use through 06/30/2010. OMB 0851-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
This form may be used for collection of information unless it displays a valid OMB control number

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.
Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL **For FY 2009**

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 180.00

Complete if Known

Application Number	10/760,091
Filing Date	January 16, 2004
First Named Inventor	Thomas L. CANTOR
Examiner Name	C. Cheu
Art Unit	1641
Attorney Docket No.	532212000624

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 03-1952 Deposit Account Name: Morrison & Foerster LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	330	165	540	270	220	110	
Design	220	110	100	50	140	70	
Plant	220	110	330	165	170	85	
Reissue	330	165	540	270	650	325	
Provisional	220	110	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	52	26
Each independent claim over 3 (including Reissues)	220	110
Multiple dependent claims	390	195

Total Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)** **Multiple Dependent Claims**

- 20 or HP x =

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**

- 3 or HP x =

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$270 (\$135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/50 =	(round up to a whole number) x		

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): 1806 Submission of an Information Disclosure Statement 180.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	43,543	Telephone	(858) 720-5117
Name (Print/Type)	Peng Chen	Date	April 24, 2009		



PTO/SB/17p (03-09)
Approved for use through 04/30/2009. OMB 0651-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FEE
Under 37 CFR 1.17(f), (g) & (h)
TRANSMITTAL

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/760,091
Filing Date	January 16, 2004
First Named Inventor	Thomas L. CANTOR
Art Unit	1641
Examiner Name	C. Cheu
Attorney Docket Number	5322 12000624

Enclosed is a petition filed under 37 CFR 1.59 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 200.00 is enclosed.
This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(f), see form PTO/SB/17f.

Payment of Fees (small entity amounts are NOT available for the petition fees).

- ☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 03-1952 :
☒ petition fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments
- ☐ Check in the amount of \$ _____ is enclosed.
- ☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462

For petitions filed under:

- § 1.36(a) – for revocation of a power of attorney by fewer than all applicants
- § 1.53(e) – to accord a filing date.
- § 1.57(a) – to accord a filing date.
- § 1.182 – for decision on a question not specifically provided for.
- § 1.183 – to suspend the rules.
- § 1.378(e) – for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) – to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

For petitions filed under:

- § 1.12 – for access to an assignment record.
- § 1.14 – for access to an application.
- § 1.47 – for filing by other than all the inventors or a person not the inventor.
- § 1.59 – for expungement of information.
- § 1.103(a) – to suspend action in an application.
- § 1.138(b) – for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 – for review of refusal to publish a statutory invention registration.
- § 1.296 – to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 – for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) – for patent owner requests for extension of time in ex parte reexamination proceedings.
- § 1.956 – for patent owner requests for extension of time in inter partes reexamination proceedings.
- § 5.12 – for expedited handling of a foreign filing license.
- § 5.15 – for changing the scope of a license.
- § 9.25 – for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

- § 1.19(a) – to request documents in a form other than that provided in this part.
- § 1.84 – for accepting color drawings or photographs.
- § 1.91 – for entry of a model or exhibit.
- § 1.102(d) – to make an application special.
- § 1.138(c) – to expressly abandon an application to avoid publication.
- § 1.313 – to withdraw an application from issue.
- § 1.314 – to defer issuance of a patent.

Signature

Peng Chen

Typed or printed name

April 24, 2009

Date

43,543

Registration No., if applicable



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAY 08 2004

MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO CA 92130-2040

In re Application of:
Cantor et al.
Serial No.: 10/760,091
Filed: January 16, 2004
Attorney Docket No.: 532212000624

:
:
: PETITION DECISION
:

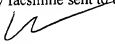
This is in response to the petition under 37 CFR § 1.59(b), filed April 24, 2009, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that Supplemental Information Disclosure Statement containing therein 33 documents submitted to the Patent Office on April 24, 2009, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.


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